

THE SENATE

Minutes

This paper presents the confirmed Minutes of the last meeting of the Senate held on Wednesday 21 April 2021 via Teams.

The Senate **approved** these Minutes as a correct record at its meeting held on 23 June 2021.

Dave Hall
University Secretary

Becky Sexton
Working Secretary to the Senate
Email: becky.sexton@open.ac.uk
Tel: 01908 653351

Attachments:

S-2021-02-M Minutes of the meeting of the Senate held on 21 April 2021

THE SENATE

Minutes of the meeting of the Senate held on Wednesday 21 March 2021 via Teams.

PRESENT:

Professor Tim Blackman	Vice-Chancellor
Professor Josie Fraser	Deputy Vice-Chancellor
Dr Liz Marr	Pro-Vice-Chancellor (Students)
Professor Kevin Shakesheff	Pro-Vice-Chancellor (Research, Enterprise and Scholarship)
Professor Ian Fribbance	Executive Dean, Faculty of Arts and Social Sciences
Professor Devendra Kodwani	Executive Dean, Faculty of Business and Law
Professor Nicholas Braithwaite	Executive Dean, Faculty of Science, Technology, Engineering and Mathematics
Professor Fary Cachelin	Executive Dean, Faculty of Wellbeing, Education and Language Studies
Professor Denise Whitelock	Director, Institute of Educational Technology
Professor Eileen Scanlon	Associate Director Research, Institute of Educational Technology
Mr Gary Elliot-Cirigottis	Director of Library Services
Mr Nicholas Barratt	Director, Learner and Discovery Services

Faculty of Arts and Social Sciences (FASS)

Dr William Brown	Dr Elaine Moohan
Professor David Johnson	Dr Deborah Drake
Dr Alison Penn	Professor John Wolffe
Dr Andrew Griffiths	Dr Donna Loftus
Dr Emma Barker	Dr Karen Hagan
Dr Janine Liladhar	Dr Richard Heffernan

Faculty of Business & Law (FBL)

Miss Carol Howells	Dr Kristen Reid
Dr Caroline Clarke	Mr Mike Phillips
Ms Eleanor Howie	

Faculty of Science, Technology, Engineering and Mathematics (STEM)

Dr Helen Fraser	Dr James Hague
Dr Janet Haresnape	Professor Simon Green
Dr Magnus Ramage	Dr John Baxter
Professor David Rothery	Dr Leonor Barroca
Dr Robert Brignall	Dr Hayley Ryder
Dr Toby O'Neil	Dr Mark Slaymaker
Dr Andy Hollyhead	Dr Claire Kotecki
Dr James Bruce	Dr Fiona Moorman
Mr Donald Edwards	Dr Jon Golding
Dr Kaustubh Adhikari	

Faculty of Wellbeing, Education and Language Studies (WELS)

Dr Anna Comas-Quinn	Mr Andy Rixon
---------------------	---------------

Dr Severine Hubscher-Davidson
Ms Susan Kotschi
Professor Kristina Hultgren
Professor Joan Simons
Dr Carol Azumah Dennis

Mr Jeremy Wilcock
Dr Elodie Vialleton
Dr Jackie Watts
Professor Rosina Marquez-Reiter

Institute of Education Technology (WELS)

Mr Chris Edwards

Professor Rebecca Ferguson

Associate Lecturers

Mr Jim Gillen
Dr Catherine Halliwell
Mr James Hutchinson
Dr Sylvie Serpell

Dr Linda Walker
Mr Rob Parker
Dr Walter Pisarski

Students Appointed by Open University Students Association

Ms Claire Wallace
Ms Cinnomen McGuigan
Dr Sandra Summers

Mrs Sarah Jones
Dr Barbara Tarling
Danielle Smith

Academic-related Staff

Mr Derek Sheills
Mrs Rukhsana Malik
Mr Billy Khokhar
Miss Julie Gowen
Dr Hossam Kassem
Dr Caitlin Adams
Mr Jonathan Nimmo

Mr Toby Scott-Hughes
Ms Elaine Walker
Mrs Caitlin Harvey
Dr Franziska Florak
Ms Jane Ball
Mrs Kate Signorini
Dr Frances Morton

Co-opted members

Ms Susan Stewart
Mrs Louise Casella
Professor Marcia Wilson

Mr John D'Arcy
Dr Christopher Turner OBE

In attendance

Mr Dave Hall, University Secretary
Mr Jake Yeo, Deputy University Secretary
Dr Laura Lauer, Head of Governance

Ms Anna Barber, Director, Academic
Ms Becky Sexton, Senior Manager, Governance
Mrs Jhumar Johnson, Director of Vice-Chancellor's Office
Mrs Caragh Molloy, Group People Director

Mrs Hâf Merrifield, Director of Strategy

Members of the Council in attendance

Mr Malcolm Sweeting, Chair and Pro-Chancellor
Ms Mary Curnock Cook
Mrs Ruth Girardet
Ms Maggie Galliers
Ms Ceri Doyle
Mrs Lopa Patel

Mr Bob Spedding

Professor Paul Gray
Mr Robert McCracken
Mrs Rachel Lock
Mr Paul Greenwood
Mr Tevin Tobun

Observing

Mrs Lisa Harris, Head of Academic Strategy

APOLOGIES:

Professor Nicola Watson

1 MINUTES S-2021-01-M

The Senate **approved** the minutes of the meeting of the Senate held on 27 January 2021.

2 MATTERS ARISING S-2021-01-01

The Senate **noted** the responses to the matters arising from the minutes of the meeting of the Senate held on 27 January 2021 (S-2021-01-M).

3 REPORT FROM THE CHAIR

3.1 The Vice-Chancellor welcomed members to the meeting, including several new members who had recently been appointed to the Senate and the Council Members in attendance. He congratulated Rukhsana Malik for recently being elected as the new Senate member on Council.

3.2 The Pro-Chancellor and Chair of Council, Malcolm Sweeting, addressed the Senate. He thanked staff for their efforts in delivering high-quality university education, as evidenced by the recent draft report from the QAA, recognising the pressures faced by the increase in student numbers and the major projects taking place. He noted the ongoing work on the University Strategy and the particular focus on equality and diversity issues and sustainability.

3.3 The Vice-Chancellor highlighted some updates from the Nations, including:

- a) the Department of the Economy in Northern Ireland provided additional funding to deliver the OU's enhanced Community Partnerships Project; the OU named as preferred supplier of accredited learning and development to RTÉ, Ireland's state broadcaster. The Open University in Ireland would also be awarded the Excellence in Online Learning Award from the Republic of Ireland's Public Sector Magazine;
- b) growth in Student numbers in Wales and the work taking place with the Welsh Government and other sector bodies to provide support to schools and school students during the pandemic, hosted on OpenLearn. The Vice-Chancellor had shared the collaborative approach in Wales in a roundtable with Michelle Donelan, the UK Government HE Minister;
- c) the OU's total grant allocation in Scotland for 2021-22 had been the second highest increase of the 19 Universities in Scotland and the Scottish Funding Council (SFC) had confirmed additional in-year funding for 2020-21 with the OU receiving £1.1m for research, new appointments and students and £20k for knowledge exchange. In addition to the funded places already offered through the SFC Upskilling Fund and the Flexible Workforce Development Fund, April also saw the launch of the fully funded micro-credentials offer from the OU in Scotland, for those over 25, unemployed, at risk of redundancy or recent graduates through the Scottish Government's National Transition Training Fund.

3.4 Successes with OpenLearn were highlighted, including; visitor numbers reaching 200,000+ per week in the early period of the initial lockdown, more than a million visitors attracted every month, two million new course enrolments recorded since 23 March last year, the DfE Skills Toolkit in England leading to 40,000 course enrolments, jobseekers being supported by the Department for Work and Pensions and Job Centre Plus staff being trained on OpenLearn and new courses created with MoneySavingExpert.com and Legal and General.

- 3.5 The first outcomes report had been received, following the University's Quality Assurance Agency Quality Enhancement Review. As well as confirming that the University met the baseline requirements for the review, the QER reviewers also made four commendations, two affirmations and four recommendations but no conditions. Other reviews taking place included the required Degree Apprenticeship Review in Wales and the EQUIS review for the Business School.
- 3.6 The Race Equality Charter submission, an integral part of challenging racial inequality and taking the OU forward to become a leading 'anti-racist' University, was now underway.
- 3.7 Regarding the REF, the University had submitted twenty-one 'Units of Assessment' and was on track to achieve the target of six UOAs ranking in the top third nationally and 10-12 in the top half. Following our KEF submission, the first iteration of the Knowledge Exchange Framework had been published and the OU was in the top 30% of its cluster for IP and Commercialisation and top 40% for both Public & community engagement and research partnerships.
- 3.8 It was noted that Universities UK had recently opened a consultation with employers regarding the 2020 USS pension scheme valuation and that the University was engaging with staff before submitting an institutional response, with a formal position decided by Council later in the year.

4 STRATEGY DEVELOPMENT

S-2021-02-02

- 4.1 The Senate's view was sought on two strategic questions arising from trends in student choice: higher study intensity and younger students (18/19 year olds). Both were areas of potential significance to the proposed strategic goals of 'extending our reach and offer' and 'enabling the success of our students and learners'.
- 4.2 For younger students, Senate members commented that:
- a) The University should not proactively encourage more younger students, due to the growth already seen in that age group, but there should be focus on the support needs of younger students. This could include exploring: support for moving from school to university, alternative methods to online and the use of local presence. The Vice-Chancellor explained that localism is an area that is currently being reviewed by VCE.
 - b) With the increase in younger students, further exploration into the implications for curriculum development may be needed, such as increased expectations around qualifications that lead to professions.
- 4.3 For students choosing higher intensity study, Senate members noted that:
- a) The funding arrangements across the UK were complex and any pricing structure should not create further confusion. Students were already concerned about different prices which reflect different forms of fee support in the devolved administrations.
 - b) These students have different expectations and module start dates do not always allow for a consistent experience. It was important to be honest with students around flexibility and the October/February starts for full-time and part-time study.
 - c) The focus should be on flexibility, with more use of flexible curriculum, to help students gain exactly what they need.

- 4.4 Comments were also made on the impact of the increase in student numbers and increase in study intensity and whether there would be a parallel strategy to recruit suitable ALs and to provide additional resources for front line student facing units. The Vice-Chancellor explained that the resourcing model would ensure funding to support as student numbers grow.
- 4.5 The Senate **agreed** that the University should be responsive but not proactive in recruiting 18/19 year olds; and that students choosing higher intensity study, should be recognised and supported, with the higher priority on flexibility rather than full-time/part-time. The focus for the strategy should be on the experience and success of both groups, at least as much as increasing reach.

5 ACADEMIC GOVERNANCE REVIEW S-2021-02-03

- 5.1 Jake Yeo, Chair of the Oversight Group, introduced the paper and thanked Senate members for their engagement and ownership of the Academic Governance Review (AGR) work so far. He explained that the paper set out the direction of travel and outlined proposed changes which would be subject to further development and testing.
- 5.2 The role of Faculties in governance was discussed, including a possible role for Faculty Assemblies and how Boards of Studies and the responsibilities delegated to management bodies would fit in. The Faculty Governance workstream was considering Faculty Assemblies, and Faculty representation within the different levels of governance, including the middle tier.
- 5.3 Members noted that membership of committees, including the representation of Associate Lecturers and Students, was yet to be discussed. The focus of the AGR work was on consolidation, simplification and strengthening of the academic governance structure.
- 5.4 The timing of the AGR work was raised, particularly with several large change projects currently taking place. It was explained that as a long-term project, it was important that momentum on the AGR continued, but that changes would only be made where they could be undertaken effectively and pragmatically.
- 5.5 Members noted that the issues raised reflected the areas being worked through by the five workstreams. The groups would continue to work on development and testing before the next Senate meeting on 23 June, when a set of recommendations around the structures, the key assets and principles would be presented.

6 INSTITUTIONAL PERFORMANCE REPORT TO SENATE S-2021-02-04

- 6.1 The Director of Strategy introduced the Institutional Performance Report. The following clarifications were given:
- a) A discrepancy was noted in the report in relation to the proportion of female staff who are promoted. The error would be investigated, and the correct figures circulated to Senate.
 - b) The reason for reporting 2019/20 forecast results was due to the data taking time to stabilise, as it includes results and appeals, as well as registration.
 - c) The 5% point increase on Undergraduate module pass rate was down to the efforts of Faculties and Units, with an effect from the pandemic as well.
 - d) Associate Lecturers were reported as part of the overall Gender Pay Gap figure, the median pay gap between male and female Associate Lecturers was 0 and the mean

-0.3. It was not yet clear what the impact on the gender pay gap will be as Associate Lecturers transition to a FTE.

- e) A definition would be brought back to Senate on what constitutes major/critical IT incidents and whether other measures on the systems that support staff are available.

Action: Director of Strategy

7 DEFINITION OF ANTISEMITISM

S-2021-02-05

- 7.1 The Vice-Chancellor introduced the discussion on the Senate's recommendation to Council regarding the adoption of the IHRA Working Definition of Antisemitism, deferred from the January meeting to allow time for further consultation. The recommendation to the Senate from the Education Committee was that the IHRA definition be adopted in full. He highlighted that if the definition was adopted, the publication of that decision would be accompanied by the explanation that it would be interpreted and used within the terms of the Equality Act and the University's Statement of Principles on Academic Freedom.
- 7.2 Professor David Johnson, seconded by Dr Caitlin Adams, had proposed an amendment, as set out in paper S-2021-02-05A and circulated to the Senate on 15 April 2021:

That Senate advise Council to adopt the definition of antisemitism and accompanying guidelines in the Jerusalem Declaration on Antisemitism in order to accompany, clarify and reinforce the IHRA definition of antisemitism.
- 7.3 Members noted that the Jerusalem Declaration on Antisemitism along with a critique of it had been made available to Senate members in advance of the meeting through the web resource.
- 7.4 Opposition to the adoption of the IHRA definition of antisemitism included the fact that it had originally been developed for a different purpose and that the intention had been for the document to be disseminated to, not adopted by universities. It was therefore not attuned to addressing antisemitism at UK universities. It was also noted that the author of the IHRA working definition, Kenneth Stern, had expressed his opposition to the use of the working definition for purposes for which it was not intended. Several members expressed that if the IHRA was adopted alone, there could be a threat to academic freedom, with staff being forced to avoid subjects or texts, for fear of being exposed to the accusations of antisemitism.
- 7.5 Support for the adoption of the Jerusalem Declaration on Antisemitism (JDA) in addition to the IHRA definition, included the view that it was both short and precise and that the JDA provided clear examples of antisemitism that differentiated between the criticisms of Israel that are antisemitic and criticisms of Israel that are not antisemitic. Some members felt that the IHRA definition was both too vague and wordy and that the examples blurred the definition of antisemitism and anti-Zionism, providing an unhelpful basis for those responsible for utilising the definition when complaints were received.
- 7.6 Questions were raised regarding whether the Jerusalem Declaration on Antisemitism would actually conflict with the IHRA working definition, considering the differences between them. It was clarified that the JDA explicitly stated that it could be used as a tool for interpreting the IHRA definition in areas where the IHRA definition was not sufficiently clear. It was suggested that the compromise of adopting both definitions would be the best position for the University, recognising that there were differing views on both definitions.
- 7.7 In answer to a query around how the definitions would be used in practice and how they would fit within the overall context of equality and diversity at the University, the University

Secretary explained that the definitions would be used as guidance, when investigating complaints and as a supplement existing policies. The definitions would be set in the context of both the Equality Act and the Statement of Principles on Academic Freedom, which would both take precedence in interpreting the two documents on antisemitism.

7.8 When all members who wished had expressed a view, the Chair opened the vote on the amendment (minute 7.2), which was **carried** by an overwhelming majority.

7.9 The Senate then proceeded to vote upon the amended motion:

The Senate is asked to recommend to Council the adoption of the IHRA Working Definition of Antisemitism definition in full and, in order to provide additional clarification and reinforcement, to also adopt the definition of antisemitism and accompanying guidelines in the Jerusalem Declaration on Antisemitism.

7.10 The motion was **carried** by an overwhelming majority.

7.11 The Vice-Chancellor proposed that Senate review the effects of adopting the two documents in a year's time, to consider the need for any changes to be recommended to the Council.
Action: Governance Team

8 AL CONTRACT PROGRAMME UPDATE

ORAL UPDATE

8.1 The University Secretary explained the context to the decision taken by the Vice-Chancellor's Executive (VCE) in March 2021, including efforts between January-March 2021 to bring the programme back on track. However by 18 March 2021 serious concerns were identified around capacity and workload associated with the unprecedented increase in student numbers and the ongoing personal and operational challenges presented by living with and working during the pandemic along with the complexities introduced by the Core Systems Replacement programme. There was unlikely to have been any significant improvement in the position by mid-April so the Project and Delivery Boards recommended to VCE on 18 March 2021 that implementation could not proceed in October 2021. This was a very disappointing position for all concerned and the University Secretary thanked all staff and union colleagues who had worked very hard on the project.

8.2 Following the announcement, significant feedback was received illustrating the concerns the delay had caused and subsequent communications were issued setting out proposed mitigations to address the potential impacts. Work was currently focussing on these actions which centred on job security and pay for ALs. The University Secretary emphasised that the University remained committed to ending casualisation with transfer to the new terms and conditions now planned for August 2022. The Deputy Vice-Chancellor had been appointed Executive Sponsor of the project and Chair of a new Implementation Board.

8.3 The Vice-Chancellor expressed his regret that the University was in this position and reported that he had received many emails from ALs with accounts of how the postponement to the new contract had affected them and their families. He assured the Senate that the University was working intensely to ensure the proposals for pay and job security were implemented in October 2021.

8.4 Members welcomed the mitigations that had been communicated and implemented, but highlighted some of the issues that came with those mitigations, such as managing ALs' FTE across modules, finding ways of moving ALs to similar modules and a process for allocating tuition-related work in line with FTE. Senate were assured that the Executive were alert to those issues and were working hard on the mitigations.

8.5 Concerns were raised around the wellbeing of ALs, who may perceive the delay as a lack of recognition of their professional standing and importance to the OU and its students. It was noted that the high number of ALs unavailable for work, due to both COVID-19 and stress-related issues, would cause additional staffing challenges. It was also highlighted that with student numbers rising, requiring the recruitment of more ALs, guidance was needed for Staff Tutors on prioritising appointments.

8.6 Members raised concerns around why the risks which had been flagged previously had not been more effectively addressed, citing a UCU survey of ALs. The Vice-Chancellor explained that re-establishing trust was a top priority both for him personally and institutionally. Aspects of the issue had only become clear in February/March, such as the workload planning system and decisions were taken at an early stage as possible to avoid more serious issue at a later date. The Deputy Vice-Chancellor explained that University was committed to delivery and that VCE would continue to work hard with UCU and other colleagues on the solutions to the complex task.

9 EMERITUS PROFESSORS S-2021-02-06

The Senate **approved** the recommendations from the Chairs Subcommittee that the title of Emeritus Professor is awarded to Professor John Oates, Faculty of Wellbeing, Education and Language Studies (WELS).

10 ACADEMIC QUALITY AND GOVERNANCE COMMITTEE S-2021-02-07

The Senate **noted** the unconfirmed minutes of the last meeting of the Academic Quality and Governance Committee held on 9 February 2021 remotely via Microsoft Teams, and the unconfirmed Minutes of the meeting by correspondence held 17-24 March 2021.

11 EDUCATION COMMITTEE S-2021-02-08

The Senate **noted** the unconfirmed Minutes of the meeting of the Education Committee Meeting held on Wednesday 17 March 2021.

12 RESEARCH COMMITTEE S-2021-02-09

The Senate **noted** the unconfirmed Minutes of the meeting of the Research Committee held on 3 March 2021.

13 CHAIR'S ACTION S-2021-02-10

The Senate **noted** action taken by the Chair since the last meeting of the Senate.

14 THE COUNCIL S-2021-02-11

Clarification was sought on Council minute 8.3.c and learning post-graduate certificates offered through FutureLearn. The Deputy Vice-Chancellor explained that from the test and learn pilot evaluation and analysis, it was clear that the post-graduate certificates offered through FutureLearn had not been successful in themselves, but the learning fed into the Microcredentials Team which had helped inform the strategic direction.

The Senate **noted** the unconfirmed minutes of the last meeting of the Council held on 23 February 2021.

15 DATE OF NEXT MEETINGS

Wednesday 23 June 2021
Wednesday 13 October 2021
Wednesday 26 January 2022
Wednesday 30 March 2022
Wednesday 22 June 2022

Dave Hall
University Secretary

Becky Sexton
Working Secretary to the Senate
Email: becky.sexton@open.ac.uk
Tel: 01908 653351